

**County Of San Bernardino
Department of Behavioral Health**

Authorization To Release Confidential Protected Health Information (PHI) Policy

Effective Date
Revised Date

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Policy

It is the policy of the Department of Behavioral Health to protect the confidentiality of Protected Health Information (PHI) with regards to a DBH client's medical record and to **only** release such information for the purpose of providing treatment, facilitating payment and performing health care operations.

Purpose

To ensure standards are in place for responding to requests from San Bernardino County Department of Behavioral Health clients, to release confidential Protected Health Information (PHI) in a manner which is consistent with all state and federal regulations, including the California Welfare and Institutions Code, the Federal Code of Regulations, and the HIPAA privacy rule.

Definition

Protected Health Information (PHI): Individually identifiable health information that is transmitted or maintained in any form or medium (electronic, paper, microfiche or verbal)

Authorization Required

An authorization to release confidential Protected Health Information (PHI) is required under the following circumstances:

If...	Then...
The client requests the release of PHI to a third party who does not have treatment responsibility for the client	An authorization should be obtained and the treating provider would also sign the form indicating his/her approval of the release
Doubt arises as to whether an authorization is required for the release of PHI	An authorization should be obtained

Example: The release of information to a board and care facility to which a client is being referred would require an authorization because the board and care facility does not provide treatment.

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Exception

Under state law, a health care provider may decline to permit inspection or provide copies of such records only if the provider determines there is a **substantial** risk of significant adverse or detrimental consequences to a patient in seeing or receiving a copy of mental health records.

The state standard is the one that must be used for denying access by a patient to his or her separately maintained psychotherapy notes as well.

Authorization Not Required

PHI may be released **without** client authorization under certain conditions:

- Providers have psychological or medical treatment responsibilities for client
- For the purpose of conservatorship proceedings
- To third party payers or other persons or organizations in connection with processing a claim for aid, insurance, or medical assistance to which the client may be entitled
- For health care operations such as, quality assessment, case management, competency reviewing, etc
- As permitted by law

Note: Questions regarding the release of PHI may be directed to the Privacy Officer
